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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,672	09/08/2000	Takekazu Kumagai	B588-012	3660

26272 7590 03/11/2004

ROBIN BLECKER & DALEY  
2ND FLOOR  
330 MADISON AVENUE  
NEW YORK, NY 10017

EXAMINER
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PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/658,672

Applicant(s)

KUMAGAI, TAKEKAZU

Examin r

JAGDISH N PATEL

Art Unit

3624

-- The MAILING DATE of this c mmunication appears on th cover sh et with the correspondence address --

**Peri d for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Election/Restrictions***

1. This application contains two distinct inventions outlined as follows. Restriction to one of the inventions is required under 35 U.S.C. 121:

Group I. Claims 1-8, and 10-12 are drawn to a system and a corresponding method to utilize the system including an apparatus connected to a network having accumulating means for accumulating data.

Group II. Claims 9, 13 and 14 are drawn to an information processing apparatus, a corresponding method for controlling the information processing apparatus and a storage medium storing program for controlling the information processing apparatus, which can be connected through a network to the apparatus.

2. The two groups of inventions are distinct, each from the other because of the following reasons:

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)).

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In this case the process as claimed in Group I can be practiced by another materially different apparatus than one of Group II because such apparatus must perform process of Group I, in particular "an accumulation area setting step of setting a plurality of accumulation areas for accumulating data" and "an identification information setting step of setting identification information for each accumulation area set in the accumulation area setting step." However, these features are not included in apparatus of Group II.

Alternatively, apparatus of group II can be used to acquiring information about data stored in a plurality of accumulation areas and managing charge information about the information. This process is materially different process than one of Group I.

3. Because these inventions are distinct for the reasons given above and the search required for group I is not required for groups II restriction for examination purposes as indicated is proper.

### ***Conclusion***

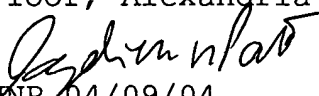
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be

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reached at (703) 308-1038. The fax number for Formal or Official  
faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes**  
**may be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status  
of this application should be directed to the Group receptionist  
whose telephone number is (703) 308-1113 or 308-1114. Address  
for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7<sup>th</sup>  
Floor, Alexandria VA 22202.

  
JNP 04/09/04

Primary Examiner, AU 3624